

**RECEIVED**

**STATESVILLE, NC IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION**

**NOV 28 2005**

Clerk, U. S. Dist. Court  
W. Dist of N. C.

R.J. Reynolds Tobacco Company,

Plaintiff,

vs.

Market Basket Food Stores, Inc., *et al.*

Defendants.

**Civil Action No. 05CV253**

**AGREED ORDER OF DISMISSAL WITH PREJUDICE OF  
DEFENDANTS JAMES CRUMP AND HOLIDAY FOODS**

The Court considered the Joint Motion to Dismiss of Plaintiff R.J. Reynolds Tobacco Company (hereinafter "RJRT") and Defendants James Crump and BCW Properties, Inc., d/b/a Holiday Foods (hereinafter the "Holiday Foods Defendants") brought under Federal Rule of Civil Procedure 41(a)(2), and acknowledges that all matters among those parties which were or could have been asserted in the above-referenced lawsuit have been resolved by agreement between them.


IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that all causes of action or claims asserted by RJRT against the Holiday Food Defendants in the above-referenced lawsuit, or which could have been asserted by RJRT against the Holiday Foods Defendants, or vice versa, are dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this order does not dismiss RJRT's claims against the remaining Defendants in this action, all such claims being expressly reserved by RJRT.


**DOCUMENT  
SCANNED**

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, as between RJRT and the Holiday Foods Defendants, each party shall be responsible for their respective costs and legal fees.

This 12<sup>th</sup> day of Dec., 2005.

  
Richard L. Voorhees  
United States District Judge

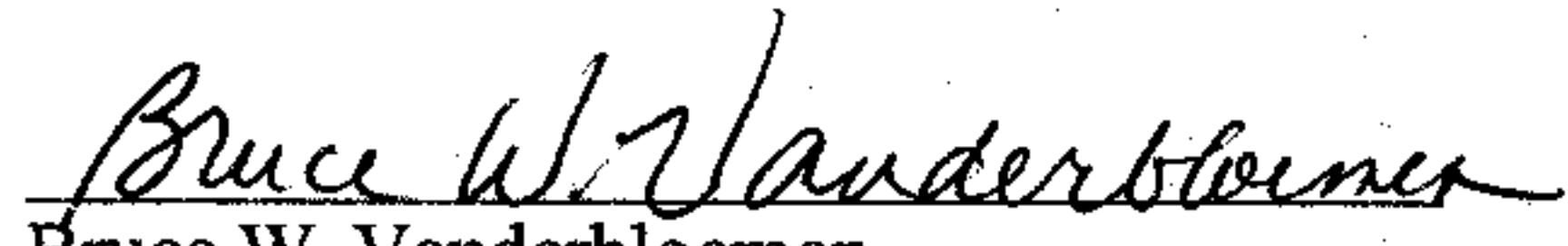
AGREED AS TO FORM AND CONTENT:

  
Forrest A. Ferrell, N.C. State Bar No. 1439  
Sigmon, Clark, Mackie, Hutton,  
Hanvey & Ferrell, P.A.  
420 B Third Avenue NW  
Hickory, NC 28603  
Tel: (828) 328-2596  
Fax: (828) 328-6876  
*Attorney for Plaintiff*  
*R.J. Reynolds Tobacco Co.*

W. Andrew Copenhaver  
Ronald R. Davis  
Womble, Carlyle, Sandridge & Rice  
P.O. Box 84  
Winston-Salem, NC 27102  
Tel.: (336) 721-3600  
*Attorney for Plaintiff*  
*R.J. Reynolds Tobacco Co.*

OF COUNSEL

Richard H. Deane, Jr.  
Jones Day  
1420 Peachtree Street, NE  
Suite 800  
Atlanta, GA 30309-3053  
Tel.: (404) 521-3939  
*Attorney for Plaintiff*  
*R.J. Reynolds Tobacco Co.*

  
Bruce W. Vanderbloemen  
Todd, Vanderbloemen & Brady, P.A.  
214 Ridge Street, Northwest  
P.O. Drawer 1320  
Lenoir, N.C. 28645-5227  
*Attorney for Defendant BCW Properties, Inc.*  
*d.b.a. Holiday Foods and Defendant James*  
*Crump*

OF COUNSEL

Michael R. Shumaker  
Laura Tuell Parcher  
Jones Day  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001  
Tel.: (202) 879-3939  
*Attorney for Plaintiff*  
*R.J. Reynolds Tobacco Co.*